

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Paul DiCarlo et al.	Art Unit	: 3736
Serial No.	: 10/728,248	Examiner	: Rene T. Towa
Filed	: December 4, 2003	Conf. No.	: 7802
Title	: MEDICAL INSTRUMENT		

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated May 21, 2009, finally rejecting claims 1 and 4-33.

A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 2 months to and including October 21, 2009 is enclosed.

Please apply \$540 for the appeal fee, and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: October 21, 2009

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